

\*\*E-Filed 5/3/2011\*\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RICK WOODS, Individually and On Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 11-cv-01263-HRL JF

**[PROPOSED] PRETRIAL ORDER NO. 1  
APPOINTING INTERIM CLASS COUNSEL  
AND CONSOLIDATING ACTIONS  
(AS MODIFIED BY THE COURT)**

The Court concludes that the motion for order appointing interim class counsel and consolidating actions is appropriate for disposition without oral argument pursuant to Civil Local Rule 7-1(b). The hearing set for May 13, 2011 is VACATED.

1       **WHEREAS**, the above-captioned action asserts claims on behalf of a putative class of  
2 persons who advertised through Google Inc.’s (“Google”) AdWords program;

3       **WHEREAS**, consolidation of actions that arises out of the same operative facts as the above  
4 captioned action would avoid duplication and waste; and

5       **WHEREAS**, appointment of Interim Class Counsel is appropriate and consistent with the  
6 Federal Rules of Civil Procedure, the recommendations of the *Manual for Complex Litigation*,  
7 Fourth (2004) and Fed. R. Civ. P. 23(g);

8       **NOW, THEREFORE, THE COURT ORDERS** as follows:

9       **I. CONSOLIDATION OF SUBSEQUENTLY FILED OR TRANSFERRED ACTIONS**

10       When a case that arises out of the same operative facts as the above captioned action is  
11 hereinafter filed or transferred to this Court, it is hereby consolidated pursuant to Fed. R. Civ. P.  
12 42(a) with the above captioned matter (the “Consolidated Action”).

13       The Court requests the assistance of counsel in calling to the attention of the Clerk of this  
14 Court the filing or transfer of any case that might properly be consolidated as part of the  
15 Consolidated Action.

16       When a case that arises out of the same operative facts as the Consolidated Action is  
17 hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- 18           (a)     File a copy of this Order in the separate file for such action;
- 19           (b)     Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or  
20 transferred case and to any new defendant(s) in the newly-filed case; and
- 21           (c)     Make the appropriate entry in the master docket for the Consolidated Action (No.  
22 11-cv-01263-HRL).

23       Each new case that arises out of the subject matter of the Consolidated Action which is filed  
24 in this Court or transferred to this Court, shall be consolidated with the Consolidated Action and  
25 this Order shall apply thereto, unless a party objects to consolidation within ten (10) days after the  
26 date upon which a copy of this Order is served on counsel for such party by filing an application for  
27 relief and this Court deems it appropriate to grant such application.

**II. APPOINTMENT OF INTERIM CO-CLASS COUNSEL**

Pursuant to Fed. R. Civ. P. 23(g)(3), the Court designates Barroway Topaz Kessler Meltzer & Check, LLP and Nix Patterson & Roach, LLP to act as Interim Co-Class Counsel for plaintiffs in this action and all subsequently filed, related actions consolidated herewith, with the responsibilities hereafter described.

Interim Co-Class Counsel shall have the authority over the following matters on behalf of plaintiff and the putative class in this action:

- (a) directing, coordinating, and supervising the prosecution of plaintiffs' claims in the action, including the drafting and filing of any amended complaints, opposing motion(s) to dismiss by any defendant(s), as well as drafting and filing any class certification motion and any matters pertaining thereto;
- (b) initiating and conducting discovery, including, without limitation, coordinating discovery with defense counsel, preparing written interrogatories, requests for admissions, and requests for production of documents;
- (c) directing and coordinating the examination of witnesses in depositions;
- (d) retaining experts;
- (e) communicating with the Court;
- (f) communicating with defense counsel; and
- (g) conducting settlement negotiations.

No motion shall be initiated or filed on behalf of any plaintiff in this action except through Interim Co-Class Counsel.

Service of pleadings and other papers by defendant(s) shall be made only upon Barroway Topaz Kessler Meltzer & Check, LLP or Nix Patterson & Roach, LLP, who are authorized and directed to accept service on behalf of plaintiff(s) in this action and any later actions that may be consolidated herewith.

Dated: 5/3/2011

  
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HONORABLE HOWARD R. LLOYD JEREMY FOGEL  
UNITED STATES MAGISTRATE JUDGE  
District